IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL SIDE APPELLATE JURISDICTION

FIRST APPEAL NO.1969 OF 2006
WITH
CIVIL APPLICATION NO.4969 OF 2003

The Regional Director,
ESI Corporation. Appellant

vs.

Prasad Chambers Premises
Co-op. Society. Respondents

Mr.H.V.Mehta for the appellant.

Mr.Rajesh Gehani i/b.Shri D.D.Naik for the respondents.

CORAM : ANOOP V. MOHTA,J.

DATED : 2nd November, 2007

JUDGMENT:

The respondent is a Cooperative Society and is incorporated to manage, administer and maintain the said society and its building, and for doing the said job they have employed 40 employees. Form 0-1 was submitted to the respondents to furnish the necessary information and sought clarification about its coverage under the Act. The Respondents informed that they are not covered under the Act.

2. On 9.3.1990- a letter was sent by the appellant to the respondents informing them that they are provisionally covered under the Act w.e.f. 12.11.1978 onwards.

3. On 24.9.1992 a show cause notice was issued to the respondents which remained unreplied.

4. In 1992 the respondents filed application before the Employees' State Insurance Court, Bombay being Application (ESI) No.48 of 1992.

5. On 7.8.2003 the learned Judge of the Employees' State Insurance Court, after hearing both the parties allowed the application of the respondents and quashed the order passed by the appellant under Section 45A of the ESI Act.

6. In November, 2003, being aggrieved by the said order and judgement dated 7.8.2003, the appellant prefers the present appeal.

7. In view of the reasoning given in the judgment dated 2nd November, 2007 in First Appeal No.844 of 2004 along with other First Appeals, this First Appeal is also dismissed and disposed of accordingly. C. A. is also disposed of accordingly.

. No order as to costs.

[ANOOP V. MOHTA,J.]